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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,171	09/09/2003	Bruce Bokish	7000-287	3747
27820	7590	12/02/2005		
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			EXAMINER SMITH, CREIGHTON H	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,171

Applicant(s)

BOKISH, BRUCE

Examiner

Creighton H. Smith

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 OCT '05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-19,21 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,8-19,21,23 and 25-34 is/are rejected.
- 7) ☒ Claim(s) 7 & 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The finality of the Office action dated 11 AUG '05 is withdrawn due to the discovery of art that anticipates the amended claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 6, 8, 14, 16, 17, 18, 19, 21, 23, 25, 29, 31, 33, 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakata U.S. publication #2002/0138347.

Sakata's Fig. 1 discloses a method of delivering requested information to a user. The user operates portable terminal (20) that sends a REQUEST (shown by left-pointing arrow) to an information device (30). Information device (30) receives the user's request for information, and returns to the user of portable terminal a pointer (shown by the right-pointing arrow). The pointer received from device (30) is used in terminal 20 to acquire the information (23) by sending the pointer out over the Internet to access the requested information, and then the accessed information is sent back to the mobile terminal. Sakata also discloses the use of a storage area (33) in memory (32) for the storage of a pointer, [0036]. For claim 2, Sakata discloses communication means (22)

in her portable terminal which will make the call to obtain the pointer in order to access the Internet web site. Regarding claim 8, some type of messaging has to deliver the pointer with the URL address to the wireless terminal. Sakata does not mention that a messaging service delivers the pointer to the terminal, but it is inherent that some type of messaging service does in fact deliver it to the terminal. If not, there would be no way to store this URL pointer and then later recall that pointer and send wirelessly back out over the Internet

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 9-19, 21, 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ljubicich (Publication #2004/0190707 or Vasa (Publication #2004/0198329 in view of Sakata Publication #2002/0138347).

Ljubicich discloses a method of delivering directory assistance information to a user of a wireless telephone. In [0019] Ljubicich discloses that an information system will deliver to a user requesting another's phone number, an access telephone number (e.g., an 800 -xxx-xxxx telephone number, or other generic telephone number). This is done to accommodate the requested party's desire to remain anonymous. Once the user has the access number, the user is able to be connected with a researched party through a directory assistance provider, without providing the user with the actual phone number of the researched party. The information is then transmitted to the user via

SMS or WAP. Ljubicich's access number reads on applicant's "pointer" because both the "pointer" and Ljubicich's access number direct, or point, the user to another location where requested information is located.

Vasa also discloses a directory information system, [0004], that allows wireless initiated queries. In [0004] Vasa discloses that a mobile station originates a request that specifies a telephone number for which additional information is desired. After the request has been received, the network will access certain other databases and will return 1 or more data items that are associated with the telephone number. The mobile-initiated request may further specify the particular information desired for the phone number, and may specify the data formats in which the information should be returned by the network. For example, a mobile station might generate an SMS request that identifies a telephone number for which vCard formatted contain information is desired. In [0021] and [0022], Vasa discloses that the mobile station 12 may specify the message format that the network may return the information by, and it may include vCard. In [0022], Vasa discloses the features of vCard format, and may include email address and URL. The email address and URL are deemed to be "pointers" where the user can seek out further information. For claim 3, see Vasa's [0031]. For claim 12, see Ljubicich's abstract where he discloses, "[s]uch information may be transmitted to the user via a short message service or wireless application protocol.

Neither Vasa nor Ljubicich disclose that the "pointers", i.e., the access numbers of Ljubicich and email/URL addresses of Vasa, are then used by the terminal to access information. However, Sakata does disclose that once the portable personal terminal

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(20) receives a pointer from an RFID device (30), that the portable terminal will then send this pointer out over the Internet to an information provisioning apparatus (41). The information provisioning apparatus will then send the requested information back to the portable terminal. See Fig. 1. As shown in Fig. 5, Sakata sends the requested information from the RFID back to the terminal in the form of a URL address, which the terminal will use to send back out to the specified URL address to receive the information it is seeking. To have used Sakata's teaching of sending a pointer back to the requesting terminal instead of either Ljubicich's access number or Vasa's addresses that the user then will use to locate the information in either Ljubicich or Vasa's apparatus would have been obvious to a person having ordinary skill in the art because to substitute a pointer for an access number when one is requesting information would be within the purview of the skilled artisan with these references in front of her.

MPEP § 2143.01 also states that there are 3 possible sources for a motivation to combine references: the nature of the problems to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. Therefore, Ljubicich implicitly shows a pointer being sent out

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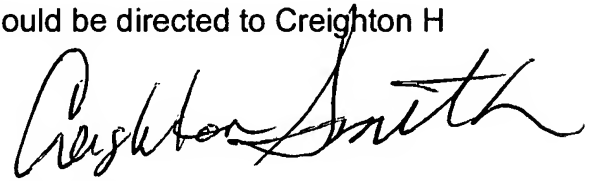
from the requesting terminal in the form of an access phone number, with the user then dialing in the access phone number in order to reach the intended individual. To have substituted Sakata's pointer that is automatically sent out from the portable terminal, instead of the user manually dialing in the "pointer" is deemed obvious to the person possessing ordinary skill in the telephony arts.

Regarding claims 9-21, Ljubicich discloses in the last sentence of his Abstract that the information requested may be transmitted to the user via SMS, WAP, email, paging, IM, or other communications.

Claims 7, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Creighton H Smith at telephone number 571/272-7546.

15 NOV '05

A handwritten signature in black ink, appearing to read "Creighton H Smith", written in a cursive style.

Creighton H Smith
Primary Examiner
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